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To: Microsoft ATR
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Subject: microsoft settlement

I have read the proposed settlement, and it does not address the primary legal finding of the court; that Microsoft uses predatory business practices to further its own ends which are to acquire and retain monopolistic control of the computer Operating System and Middleware software industry.

In general, the settlement leaves the definition of elements such as which enterprises are legitimate or viable businesses, security, privacy, and the legitimacy of any claimed need for access to Microsoft's code entirely up to Microsoft. Certainly the technical committee can review Microsoft's decision, but so what? They review it, and two out of three of the committee members are beholden to Microsoft. Even if they cried "Foul", so what? What difference does that make? The last time the DoJ cried foul on Microsoft it took years of litigation and millions of dollars to get to this point where we are now, and Microsoft has used very trick and pressure it could to weaken the decision and remedies against its continued abuse of us, the consumers.

This is not a matter of preserving a 'healthy business climate', though Microsoft may phrase it as such, and issue dire warnings about the collapse of communications of all sorts if it is restrained. WE, the American people, are being screwed by a monopoly which considers a lie or a threat to be normal parts of doing business.

I am not a computer whiz, but it is clear to me as well as to literally millions of other computer users that much of what is foisted off on us by the so-called 'upgrades' to new versions of the Windows Operating System are just window-dressing. They often require new versions of Office, Excel, and the host of other programs on the market for yet more hundreds to thousands of dollars each. And I'm sure Microsoft points out how this 'creates a need' and 'keeps the economy healthy' but I'd rather 'keep the economy healthy' buying something that I really wanted, like high speed internet access or a new program that actually does something for me.

And what about all the freeware and shareware programmers; what about Linux, or BeOS?

None of these can be called legitimate businesses - at least not by Microsoft, who, incidentally, claims that Linux 'proves' Microsoft is not anticompetitive. Would anyone care to take a small side bet on what Microsoft will tell Linux programmers when someone asks for Microsoft's code? After all, Linux isn't a business, just a bunch of programmers who like to produce neat programs. Microsoft is not compelled to

respond to mere programmers, who might irresponsibly disseminate or otherwise 'misuse' Microsoft's intellectual property. The record so far has shown that when a shareware or other program is worthwhile and popular, Microsoft simply buys it along with the rights to any remotely conceivable extension, and that's the end of that. They can afford to pay incredible amounts for small items that might eventually threaten their ownership of the market - that's what a monopoly is all about, isn't it?

I have questions regarding this whole antitrust decision process; why is Microsoft being relieved of any real restriction to its past modes of doing business? Why is it not being actually punished for its obvious and documented past misdeeds? Why isn't the company being broken up or otherwise having its immense power reduced to protect us from its predatory and invasive abuse of American Citizens? Why is there no indemnity provided to be invoked against Microsoft for possible future transgression?

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